



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 8/26/02

DAVID SAMSON
Attorney General
RENI ERDOS
Director

August 9, 2002

Mailing Address:

P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

VIA CERTIFIED AND REGULAR MAIL

Joseph Chiosi, D.V.M.
Sayrebrook Veterinary Hospital
1400 Main St.
Sayreville, NJ 08872-1452

Re: Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Chiosi:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (the "Board") has had an opportunity to reconsider information and testimony concerning the care and treatment given to Ms. Julie Zamouzakis' Rottweiler dog "Hera" in September 2001.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Julie Zamouzakis with the Board's administrative office on or about September 25, 2001, as well as any and all attachments and exhibits;
2. An addendum to her September 2001 complaint, filed by Julie Zamouzakis dated October-4, 2001, as well as any and all attachments and exhibits;
3. A correspondence dated October 25, 2001, from Dr. Chiosi, of the Sayrebrook Veterinary Hospital, P.A., as well as any and all attachments and exhibits;
4. The patient records, test results and invoices for "Hera" from Sayrebrook Veterinary Hospital, P.A.; and
5. Testimony and any exhibits introduced into evidence at the Investigative Inquiry held on March 27, 2002.

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Upon review of all available information, the Board has again preliminarily found that probable cause exists to support a finding that you engaged in a single act of negligence in your lack of aggressiveness in providing the necessary post-surgical care and/or diagnostics of "Hera". The Board concluded that this dog's condition, as recorded in your patient records on September 19, 2001, warranted more aggressive post-surgical and diagnostic care than that demonstrated and offered by you.

Additionally, the Board again preliminarily concluded that probable cause exists to support a finding that you violated as well as failed to comply with the Veterinary Medical Practice Act and the provisions of the regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h), in that you failed to include enough information in your patient records concerning "Hera", on September 20, 2002 and thereafter until her discharge from your facility, so as to provide a clear statement of her condition and the veterinary evaluation and response, contrary to the mandates of N.J.A.C. 13:44-4.9(a)(9).

As you may recall, the Board initially reviewed the relevant documentation, and in a settlement letter dated April 3, 2002, offered to resolve this matter if you consented to: 1) cease and desist from engaging in acts of negligence; 2) cease and desist from preparing and maintaining incomplete patient records; and 3) pay a civil penalty in the amount of \$1,250.00.

Following your consideration of this settlement offer and consultation with your attorney, you requested the Board reconsider its initial determination. Specifically, you proposed a counter-settlement offer to resolve this matter without recourse to further action. In your proposal, you offered: (1) a reduction of the civil penalty to \$750.00 and (2) an inclusion of a statement indicating that the parties agreed to resolve the matter without an admission of any wrongdoing on your part. The Board considered your counter-proposal at its June 26, 2002 meeting and voted to reject your offer. You were advised of the Board's decision in correspondence dated July 1, 2002.

In a letter dated July 16, 2002 to the Board's legal counsel, you again proposed to resolve this matter without further action. In this correspondence, you offered to pay a civil penalty of \$1,250.00 provided that this resolution of the herein matter does not include any admission of wrongdoing. The Board considered your second settlement offer at its July 24, 2002 meeting and determined that it will again provide you with the opportunity to settle this matter and thereby avoid the initiation of disciplinary proceedings, should you consent to the following terms:

1. Cease and desist from engaging in acts of negligence;
2. Cease and desist from preparing and maintaining incomplete patient records, contrary to N.J.A.C. 13:44-4.9(a)(9);

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3. Pay a penalty in the amount of **\$1,250.00**, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, without any admission of wrongdoing; and
4. Pay the amount of **\$240.00** which represents the Board's investigation costs expended in this matter.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office immediately. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may enter an Order requiring you to reimburse certain monies and to pay all costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, you should contact Deputy Attorney General Olga E. Bradford who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within ten days following your receipt. In the event that the Board receives no response from you within ten days the Board's settlement offer will be withdrawn and the matter will be referred to the Attorney General's Office for the initiation of a formal disciplinary proceeding.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


DIANE I. ROMANO
Executive Director

ACKNOWLEDGMENT: I, **JOSEPH R. CHIOSI, D.V.M.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge receipt of a copy of the complaint filed by Julie Zamouzakis with the Board, on or about September 25, 2001, which alleges violations of the Board's enabling statutes and the accompanying regulations in connection with the treatment of her Rottweiler dog, "Hera". I agree, in an effort to resolve this matter without recourse to formal proceedings, to pay the sums of **\$1,250.00** and costs in the amount of **\$240.00** incurred by the State in this matter, for a total of **\$1,490.00**, to be paid upon signing of this acknowledgment, and to comply with all other requirements set forth in this settlement letter, while I deny any and all allegations of wrongdoing in connection with this matter. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document.

Dated:



JOSEPH R. CHIOSI, D.V.M.

pc: Olga Bradford, DAG
Deborah A. Holzman, Esq.

